S. HRG. 99-235

NATIONAL WILDLIFE REFUGES

HEARING

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

S. 585

A BILL TO ESTABLISH THE EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE AND NATIONAL FISH AND WILDLIFE SERVICE TRAINING CENTER AT CAPE CHARLES, VA

S. 893

A BILL TO CREATE THE FLORIDA PANTHER NATIONAL WILDLIFE REFUGE IN THE STATE OF FLORIDA

S. 1354

A BILL RELATING TO THE AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN COMPONENTS OF THE NATIONAL WILDLIFE REFUGE SYSTEM

SEPTEMBER 20, 1985

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NATIONAL WILDLIFE REFUGES

FRIDAY, SEPTEMBER 20, 1985

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room SD-406, Dirksen Senate Office Building, Hon. John H. Chafee (chairman of the subcommittee) presiding.

Present: Senator Chafee.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. The hearing will come to order.

I apologize for the delay. Like everybody else, I am trying to ride two horses at once, and probably falling on the ground between both of them. We are having a Finance Committee markup on reconciliation.

Today's hearing is on three bills, all of which relate to the National Wildlife Refuge System.

The first bill is S. 1354, the House-passed version is H.R. 1789, which is a simple reauthorization for the acquisition and development of four units of the refuge system. The other two bills propose the creation of two new refuges. S. 585, a bill to establish the Eastern Shore of Virginia National Wildlife Refuge and Training Center, and S. 893, a bill to establish the Florida Panther Refuge in Florida.

I would expect that the testimony of the Fish and Wildlife Service, after it is audited and cleared by OMB, probably will not support passage of these bills, and that is because the administration feels we should impose a moratorium on land acquisition.

Such a position has been repeatedly rejected by Congress. I, for one, believe that we cannot afford to delay acquisition of these important natural areas. It is my hope that the Fish and Wildlife Service will be prepared to provide technical support and advice regarding the wildlife values of these areas, notwithstanding OMB's position.

We are most interested in the professional judgment of Fish and Wildlife, not political judgments.

We welcome Senator Trible, and we will take his bill first, which is S. 585, a bill to establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center.

Why don't you proceed, Senator. You can make a statement or proceed as you wish.

STATEMENT OF HON. PAUL TRIBLE, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Senator TRIBLE. Thank you, Mr. Chairman.

I am pleased to have the opportunity to testify briefly this morning in support of my bill, Senate bill 585, to establish in law the Eastern Shore of Virginia National Wildlife Refuge and Training Center at Cape Charles, VA.

Mr. Chairman, in 1984, the Fish and Wildlife Service received a 175-acre parcel of property from the Air Force at the southernmost tip of the Delmarva Peninsula. Currently, this property is being operated with very limited funding as a refuge. Nine Fish and Wildlife staff members are currently onsite and are working on management plans and other start-up activities.

Cape Charles is one of the most important natural habitats in our country. Let me read from the bill before the committee, because I think the findings of that bill set forth most powerfully and persuasively the importance of this tract of land.

> Cape Charles, at the southern tip of the Eastern Shore of Virginia, is a critical staging area for migratory birds within the Atlantic Flyway, particularly juvenile songbirds and raptors, in their crucial first flight south. Nationally endangered and threatened species, such as the peregrine falcon and bald eagle, as well as other species identified by both State and Federal governments to be of concern, depend on the habitat of Cape Charles.
>
> Large numbers of migratory, upland game birds are found at Cape Charles, including the woodcock, a species that has been in decline due to loss of habitat.
>
> The unique, undeveloped coastal wetlands of this area also provide resting and feeding habitat for many species of waterfowl, including the American black ducks, greater snow geese, the Atlantic brand, during migration.

Finally, Mr. Chairman:

> Facilities of the former Cape Charles Air Station provide a unique opportunity to combine habitat conservation with environmental education, training and research.

The Fish and Wildlife Service envisions in its draft EIS that the refuge will eventually total 1,355 acres. Only two parcels are to be acquired through purchase. They are the Chesapeake Bay Bridge Tunnel acreage and the Wise Point Corp. property. The other acres will be acquired through donations, such as county and commonwealth properties, or managed in their current condition such as the White, Valentine, and Delmarva Power & Light tracts. Appraisal values are $2.64 million for the bridge tunnel property and $1 million for the Wise Point Corp. acreage.

Mr. Chairman, let me say parenthetically at this point, that the House Appropriations Committee, in the 1986 Interior appropriations bill, has appropriated $400,000 for operations and maintenance at Cape Charles. It has provided an additional $2.64 million for the acquisition of the bay bridge tunnel property about which I have spoken.

Last evening, our own Appropriations Subcommittee in the markup of the Interior appropriations bill provided the $400,000 requested by the administration for operations and maintenance, but went beyond that and provided $2.64 million for the acquisition of

the bay bridge tunnel property, and an additional $1.2 million construction money for the refuge.

So there is broad support for this endeavor. The authorization is a necessary first step in order for us to secure those appropriated funds.

Various options for the U.S. Fish and Wildlife Service Training Center have been explored for a number of years, as you well know. It is the only Federal land management agency that lacks its own training facility. The Fish and Wildlife Service currently leases a variety of locations around the country for the various training programs underway.

After extended internal discussion, the Fish and Wildlife Service has determined that this Cape Charles area is well suited as a training center site. It is well suited because of the varied types of wildlife habitat, because of its proximity to ground and air transportation, and because of its access to other Federal and State lands and parks.

The Fish and Wildlife Service plans to build a facility, with on-site living quarters and food service. Training activities would occupy about 50 percent of the year. The balance of the time, the center would be available for lease by outside groups, and a number of groups, including the Virginia Institute of Marine Sciences. The Audubon Society, the Nature Conservancy, and other groups have expressed an interest in using those facilities, when those facilities are not being used by the Fish and Wildlife Service.

Cost to construct both the refuge facilities and training center, and acquire the Bay Bridge and Wise Point Corp. properties, will be around $11.5 million over a 5-year period.

For these and other reasons, Mr. Chairman, I would encourage this committee to authorize this undertaking. I believe that it is in the best interest of our important Fish and Wildlife Service program, and it is surely in the best interest of our natural habitat and the wildlife that surrounds us that are so important to preserve.

Senator CHAFEE. Thank you very much, Senator.

As you know, this committee is very receptive to preserving habitat. Indeed, in Mr. Hester's statement, he, himself, says that the Delmarva Peninsula narrows at the southern tip and provides a geographic funnel through which birds pass into an overwater stage of their migration. They typically pause in this lands end area, particularly in bad weather, to rest and feed before making the crossing, or they may circle northward from this point in a counterclockwise maneuver to move up the bay and inland before resuming their southward migration.

I think that it is also a plus that in this proposal, you have some donations. That always makes it encouraging because it shows that the Federal Government is not being asked to carry it all by themselves. As I understand, you already have 175 acres from the Air Force.

Senator TRIBLE. That is correct, sir.

Senator CHAFEE. Then what you envision is something that will eventually total 1,355 acres, part of which would encompass the 175.

Senator TRIBLE. Let me sketch these for you briefly, if I can. The present site includes a 175-acre parcel of land that was received from the Air Force. This, I would say to my friend, was an early warning radar station. When a more modern system was implemented by the Air Force, this property was rendered excess and turned over to the Fish and Wildlife Service.

Beyond that, the Bay Bridge Tunnel Authority, which operates the bridge tunnel across the mouth of the Chesapeake Bay, owns a parcel of 375 acres. They are prepared to sell that and, indeed, as you will hear today, the Nature Conservancy has stepped forward, has agreed to purchase the property from the Bay Bridge Tunnel Authority, and hold it for us, and then sell it to the U.S. Government once Congress has worked its will.

Then there is one additional tract of land to be purchased, and that is the Wise Point Corp. property. That includes 297 acres of land. Beyond that, the Commonwealth of Virginia has 176 acres, which they will donate. North Hamptom County has 60 acres, which it will donate. Delmarva Power & Light has 22 acres which it will donate. Then the balance of the property, which is owned by Valentine, 163 acres, and White, 73 acres, would be managed, although not necessarily purchased.

I have learned today, however, that one of those parcels may now be available for purchase at some point.

Those are the pieces, I would tell the chairman. When those pieces are brought together, it adds up to 1,355 acres. What we have here is an enterprise that has been broadly and enthusiastically supported by all parties, by the local community, by the governing body of North Hampton County, which is prepared to come forward and donate a substantial parcel of land, by the Commonwealth of Virginia, and by a mix of groups that are concerned about preserving and protecting our environment.

If we can proceed with this authorization, then this enterprise can go forward successfully, and not only will we have a refuge of the first order and of first importance, but beyond that the Fish and Wildlife Service will have, for the first time, its own training center.

Senator CHAFEE. Senator, let me ask you this. Are any of these gifts contingent upon the approval of the training center?

In other word as we look at this, without having fully explored it, and not indicating anything about the way I personally feel, but just knowing the way the OMB works, we might have more difficulty with the training center than we would have with the acquisition of the land.

Are any of these gifts contingent upon the training center coming there, in other words, the gift from Hampton County, or the gift from the Commonwealth of Virginia, or Delmarva Power & Light, for example?

Senator TRIBLE. They are not, Mr. Chairman.

Let me add, if I may, though, at this point, it is my understanding that at least the preliminary figures suggest that the building of a training center and the full use of the facilities that now exist, and the operation of that facility, can be undertaken more cost-effectively than the status quo, which is the lease of a number of facilities around the country, but that would be, of course, a matter

for the committee to investigate more fully. It is, to my understanding, more cost effective than the present situation, which is the leasing of facilities in various parts of the country.

Senator CHAFEE. Thank you very much, Senator, for appearing. I know you have a busy schedule, so there is no need to tie up your time. We appreciate this, and we will certainly get right to it.

Senator TRIBLE. Senator Chafee, let me thank you for your responsiveness and for the opportunity to testify today, and for the close cooperation of your very able staff.

Senator CHAFEE. Thank you, Senator.

I have a statement here, for the record, from Senator Hawkins.

[Senator Hawkins' statement follows.]

STATEMENT OF HON. PAULA HAWKINS, U.S. SENATOR FROM THE STATE OF FLORIDA

Mr. Chairman, I am very pleased that the Subcommittee on Environmental Pollution is considering S. 893 today. This bill, which I introduced on April 4, 1985, establishes the Florida Panther National Wildlife Refuge.

The Florida panther once inhabited broad stretches of the American Southeast. Today a mere 20 to 30 animals live in a few areas in and around the Everglades and Big Cyprus Swamp in southern Florida, although they have been known to roam in other areas of the State.

The panther recovery plan adopted by the Fish and Wildlife Service and by the Florida Game and Freshwater Fish Commission identifies protection of habitat as the primary key to saving the panther. The plan identified a number of areas which were scientifically determined to be prime panther habitat, and priorities were established for a variety of studies aimed at further defining the best means of insuring the panther's survival.

The refuge proposed by this legislation represents the last area of important habitat indentified to date that is not in public ownership. It encompasses approximately 32,000 acres to the north of Alligator Alley, with the majority to the west of State Route 29. The strip of land running between Route 29 and the eastern border of the Big Cyprus National Preserve, for a distance of approximately 6 miles to the north, is also included.

All of the land in question is owned by two corporations, who are willing to sell it for creation of the refuge. Mr. Lamar Gable has agreed to be here today to testify on behalf of the Barron Collier Company and Collier Enterprises.

Mr. Chairman, the imminent threat to the Florida panther of extinction demands that we act quickly to preserve its essential habitat. In no way will this legislation impede the authority of the Fish and Wildlife Service to take whatever other actions may be necessary to protect the Florida panther. I hope that the Environmental Pollution Subcommittee recognizes the urgency of the problem and will act promptly to approve S. 893.

Senator CHAFEE. Mr. Hester, why don't you come forward and testify on all three bills. I know that you have a statement.

STATEMENT OF F. EUGENE HESTER, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE

Mr. HESTER. Mr. Chairman, it is a pleasure to appear before you this morning to testify on three bills, S. 1354, S. 585, and S. 893. I will first address S. 1354, which would extend the authorization of appropriations for four national wildlife refuges.

With your permission, I would like to submit my full statement for the record and present a summary of it at this time.

Senator CHAFEE. Fine.

Mr. HESTER. S. 1354 would increase and extend until expended the authorization of appropriations for Bogue Chitto, Bon Secour, and Tensas River National Wildlife Refuges [NWR] and extend the authorization of appropriations for the Tinicum National Environmental Center [NEC] until funds are expended.

We oppose extension of these authorizations as they are unnecessary since we have no plans to request funds for acquisition at these refuges in fiscal year 1986.

I would like to take this opportunity to briefly discuss each of the four refuge authorizations as proposed for amendment.

Bogue Chitto National Wildlife Refuge—The establishment of Bogue Chitto National Wildlife Refuge was authorized by Public Law 96-288 on June 28, 1980. That act directed the Secretary to designate approximately 40,000 acres of land and water near the juncture of the Pearl River and its tributary, the Bogue Chitto, in St. Tammany and Washington Parishes, LA, and Pearl River County, MS, as a national wildlife refuge and authorized acquisition within the boundaries by purchase, donation, or exchange.

An authorization of $13 million was provided to acquire the land and $1 million was authorized for construction of the refuge headquarters and boat launching facilities and the accomplishment of the boundary surveys. These authorizations are scheduled to expire September 30, 1985.

Bogue Chitto National Wildlife Refuge was established to preserve a unique backwater swamp ecosystem along the lower Pearl River. The swamp supports large numbers of animal and plant species, including 150 species of breeding and wintering birds, 14 species of sport fish, 7 commercial fish, 5 forest game and 86 species of migratory nongame birds. The endangered bald eagle and the American alligator are known to occupy the refuge. Refuge habitat includes bottomland hardwoods that contribute to the stability of the continental waterfowl population and provide excellent nesting habitat for the resident wood duck.

Through fiscal year 1984, approximately 18,000 acres were acquired for the refuge by the Fish and Wildlife Service. The State of Mississippi has acquired an additional 6,600 acres in the refuge area.

Senator CHAFEE. I will tell you what, Mr. Hester, we are under some time pressure here, why don't you just highlight each of these statements, they will appear in the record.

Mr. HESTER. I will be glad to.

Senator CHAFEE. I have read through the balance of the statement.

Mr. HESTER. My overall introductory statement summarized our position on S. 1354. I would like to go to the other two bills on which I have very brief statements.

Senator CHAFEE. All right.

Mr. HESTER. I would now like to discuss S. 585, a bill to establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles, VA.

We do not support enactment of this bill at this time. On August 6, 1984, the General Services Administration approved a Fish and Wildlife Service request for transfer of the 174-acre Cape Charles Air Force Station. The refuge was begun in August 1984 as a result of this transfer and the Service will continue to operate and maintain the existing refuge.

S. 585 proposes to expand the refuge area to approximately 1,400 acres. The bill would protect an area related to the migration of birds along the Atlantic Flyway.

Senator CHAFEE. It seems to me that you make a pretty good case for the acquisition, but then we get to your last paragraph.

We recognize the importance of this area for birds. However, the area is not undergoing rapid development and we have higher priorities in other areas. Based on current budgetary considerations, we do not plan to seek any funds for acquisition in this area in the foreseeable future. Therefore, this legislation is not necessary.

Do you seek funds for acquisition in any areas?

Mr. HESTER. Not in the fiscal year 1986 budget, but perhaps in the fiscal year 1987 budget.

Senator CHAFEE. The thing that intrigues me about this proposal is that the Nature Conservancy looks at things pretty carefully, and they have put their dollars out there. They just don't go for every parcel of land that comes up because they don't have that much money, and yet they have seen fit to make this investment. Then it is always tantalizing that others will contribute, whether it is the power and light company, 22 acres, the State, the county. It is true that there are some purchases.

Mr. HESTER. Yes, sir.

Senator CHAFEE. We will just recess for a minute, while I run downstairs.

[Short recess]

Senator CHAFEE. I apologize for the delay.

We will resume with Mr. Hester, if he is still here.

I would like to hear a little bit from you on the National Training Center. Tell us your views on the National Training Center.

Mr. HESTER. The proposal is to have a training center in which we could consolidate much of the training that goes on at isolated places around the Nation now. If we had it, we would primarily do the training that we have in our northeast region, and perhaps our southeast region, because that is in close proximity to it. Some training on a national scope could perhaps be held there.

Today, we do have some training facilities. We have one at Leetown, WV, which is primarily a fisheries training facility. Our law enforcement training is at Glynco, GA, in connection with other law enforcement agencies there for law enforcement training.

Other types of training are mostly held at regional office level. We rent space or use other people's facilities for training at that level.

So we could consolidate much of the training we do, and we have written to other agencies asking about their needs. We have responses from a large number of agencies indicating their potential use of it, and whether they would be willing to pay for part of the cost.

Senator CHAFEE. As I indicated to Senator Trible, I have a heavy tilt toward land acquisition because that is a finite matter, which if you don't get it, it is frequently gone. As to the training center, I have some difficulties there. Have you worked the thing out into dollars and cents?

Once you get a training center, then you have to maintain it, you have to have staff there, you have to have a library, you have to

have cooks, and all the other things that come with the infrastructure of any kind of a center. I am sort of a little uneasy about it.

Mr. HESTER. Yes, sir. We have had the same kind of uneasiness ourselves. We have looked at whether we can do these at existing facilities, such as at Leetown, and that is part of the reason why we say not in the foreseeable future. Therefore, we are in opposition to this authorization.

We clearly do regard the land acquisition as higher priority than the training center in the sense of the sequence, just as you indicated.

Senator CHAFEE. What about other training centers, Glenco, GA, for example.

Is there is a school of some type there?

Mr. HESTER. Yes, there is. There is a Federal Law Enforcement Training Center. We participate with a large number of Federal agencies there. They have their own staff, firearm instructors, and all those kinds of things.

Senator CHAFEE. At Leetown, WV, what goes on?

Mr. HESTER. We have a fishery academy there. It does some training onsite, and there is a building with classrooms. We also do training by carrying it to other places. If we have a group in some other State that needs training in electro-fishing, as an example, we have the capacity to go and provide the training onsite.

Senator CHAFEE. Now let's go to your next point. We may be asking you for further documentation.

Mr. HESTER. I fully understand.

Senator CHAFEE. Why don't we go to the third bill, the Panther Refuge.

Mr. HESTER. I have a short statement.

Senator CHAFEE. All right.

Mr. HESTER. S. 893 would establish the Florida Panther National Wildlife Refuge in Florida. We do not support enactment of S. 893 at this time.

I would, however, like to discuss the legislation briefly. The Florida panther is one of the most endangered mammals in the Nation, with a generally accepted population estimate of 20 to 30 individual animals in the Big Cypress-Everglades Region of Florida. There are three known population centers for the panthers—Fakahatchee Strand, Big Cypress National Preserve, and Everglades National Park. The latter two areas are in public ownership, comprising 1.97 million acres.

The Fish and Wildlife Service has been looking at the Fakahatchee Strand area for recovery of the Florida panther. In April of this year, the Service completed an environmental assessment which recommended Federal and State land acquisition in this area.

The Service received an appropriation of $4 million for panther land acquisition in fiscal year 1985. No funds were requested this year.

Senator CHAFEE. Did you spend the $4 million?

Mr. HESTER. We are in the process of spending it.

Senator CHAFEE. Where?

Mr. HESTER. In this area.

The funds already appropriated can be expended under existing authority. However, any further acquisition is still under review, and no administration decision has been made to go forward with this project.

Accordingly, we do not anticipate requesting additional funds for the proposed acquisition in the near future, and we do not support enactment of the legislation at this time.

This concludes my statement.

Senator CHAFEE. Thank you very much, Mr. Hester, we will be talking with you further on these matters.

Let's have the panel come up, Mr. Gable, president, Barron Collier Co.; Mr. Eno, National Audubon Society; Mr. Low, the Nature Conservancy; and Mr. Lynn Greenwalt, National Wildlife Federation.

Sorry to have kept you waiting, gentlemen. Why don't we proceed. Mr. Gable, why don't you start first.

STATEMENT OF LAMAR GABLE, PRESIDENT, BARRON COLLIER CO.

Mr. GABLE. Yes, sir.

I can either read the statement, or I can just simply say that I am in favor of the bill that you have before you.

Senator CHAFEE. The bill from Senator Hawkins.

Mr. GABLE. Yes, sir; Senator Hawkins' bill, S. 893.

I can read my statement, if you wish.

Senator CHAFEE. Your family has been in southwest Florida since the early part of this century.

Mr. GABLE. Yes, sir.

Senator CHAFEE. You have seen some changes there.

Mr. GABLE. Air-conditioning has been helpful.

Senator CHAFEE. We will put your statement in the record.

Your family is the largest contributor to the Everglades National Park, donating some 32,000 acres, or 51 square miles. What a marvelous gift. It also gifted the Collier Seminole State Park, 9 square miles, and the largest contributors to the Audubon Society's Corkscrew Sanctuary of some 3,200 acres. Your family has certainly done its part.

You certainly feel that the proposed legislation, if properly funded, will go a long way toward satisfying the Government's desires.

Thank you very much for not only being here, Mr. Gable, but for what the Collier family has done.

Mr. GABLE. Thank you, Senator.

Senator CHAFEE. Mr. Eno.

STATEMENT OF AMOS ENO, DIRECTOR, WILDLIFE PROGRAMS, NATIONAL AUDUBON SOCIETY

Mr. ENO. Senator Chafee, I just have a brief oral statement. My full testimony has been distributed for the record.

The Audubon Society supports the authorization of Cape Charles National Wildlife Refuge enthusiastically and unequivocally. We feel that this is one of the most important refuge authorizations

ever, and the project is a top priority for both our local and our national members.

I want to thank the chairman for scheduling the hearings, and Senator Trible and Senator Warner, from Virginia, for moving so quickly to consider the legislation and supporting this project.

We are witnessing an interesting phenomenon. The country continues to lose wetlands nationally at the rate of over 458,000 acres a year. In Virginia alone, we are annually losing 25 to 30 acres of tidal wetlands, and even greater amounts of fresh water wetlands, yet the executive branch of our Government has been reluctant to exert any semblance of leadership to address this problem.

Fortunately, Congress has moved to fill the breach. In a case like Cape Charles, we have a team effort, working effectively to accomplish an important agenda. Under the leadership of Congressman Yates and Senator McClure, and their respective committees, historic levels of funds have been appropriated for 4 years running for wetlands protection and refuge acquisition, as well as increased funding for endangered species and refuge management.

Senator Stevens has repeatedly exerted his leadership to support funding for refuges and wildlife in Alaska.

In the case of Cape Charles, the Nature Conservancy has moved in with its characteristic speed, diplomacy, and financial acumen to secure the key 375-acre bridge tunnel property.

Congressman Breaux has already held hearings and produced H.R. 1404, authorizing the establishment of the refuge. Congressman Yates and Senator McClure have seen to initial appropriations for fiscal year 1986 of $2.64 million. The Senate has also recommended an additional appropriation of $1.2 million for refuge construction.

The conservation community is united in support of this project. Somewhere up in the bleachers, I am sure, the administration is watching all of this feverish activity with a fiscal frown, but I have to think that one of these days, they will get the message that conservation is good business, and will climb down and join the ball game. In the meantime, we need to carry on.

One of the most important aspects of this project is the opportunity to establish a training center for fish and wildlife personnel. At present, there is no central training facility for the service. Individual programs send personnel to different places—Refuge personnel to Nebraska, law enforcement personnel to Georgia, fisheries people to Leetown. A single training facility, with the capability of cross program and multifunction training has long been a dream of the service and its supporters.

We, at Audubon, since we have long specialized in education and training centers ourselves, are especially supportive of this concept, the opportunity to turn the concept to reality.

Finally, I would also like to voice our equally strong support for the other legislation being considered today. Audubon has long been involved in the preservation of the Everglades ecosystem, and the Florida panther. The Fakahatchee Strand is undoubtedly the most important panther habitat I know that both Congressman Yates and Senator McClure have proposed funding for this project for the second year running.

Senator CHAFEE. Thank you, Mr. Eno.

Mr. Low.

STATEMENT OF L. GREGORY LOW, VICE PRESIDENT, THE NATURE CONSERVANCY

Mr. Low. Thank you, Mr. Chairman.

We have a full statement, which I will be happy to submit for the record, expressing our support for S. 585. I would just like to make a few oral comments.

First, Mr. Chairman, we sincerely appreciate your support and your holding of this hearing, to move forward with this legislation. We want to express our support to Senator Trible, and all of the others who have helped to move this forward.

This project has been a real model for how land acquisition and conservation can be done in this country. It has been a real team effort, with the support of the Congress, the State, the local government officials, the conservation community, and the landowners. It is just a great example of how things can move forward when people work together.

I would like to make the point that this is not only a very, very important area, as our testimony, the testimony of Senator Trible, and the testimony of the Audubon Society will support, but it was also very threatened. The Eastern Shore has not been very highly developed to date, but a major Texas development company had approached the Chesapeake Bay Bridge Tunnel Authority, and submitted a bid for this property. It was on the real estate market.

We checked this developer out, and he was for real. He is involved with the largest office building going up in Norfolk. We felt that it was very important, even though we had no assurance of authorization of funding, for the Conservancy to step in and acquire this land. I am happy to report to you that last week we signed the contract with the Chesapeake Bay Bridge Tunnel Authority to acquire the property. Closing is scheduled for December. If all goes well, we would hope that we could transfer this property at our cost to the Fish and Wildlife Service next year.

Again, Mr. Chairman, we thank you for your support for this refuge, and all of the other refuges that you have championed. We urge the committee's adoption of S. 585.

Thank you.

Senator CHAFEE. Do you have any view one way or the other on the training center?

Mr. Low. Yes, sir. We support the center. The Conservancy would use this center, if it was developed. We think that the training of the Fish and Wildlife Service staff is important. This is a fine area to put it in.

Senator CHAFEE. Thank you.

Mr. Greenwalt.

STATEMENT OF LYNN GREENWALT, NATIONAL WILDLIFE FEDERATION

Mr. GREENWALT. Thank you, Mr. Chairman.

I am Lynn Greenwalt, vice president of the National Wildlife Federation. I am here to speak in particular about the Florida Panther Refuge, but I would like to say, Mr. Chairman, in passing, that

the federation is very much in support of the reauthorizations spelled out in S. 1354, those four refuges that have been so long in their culmination. They go back to the time of my participation in the Fish and Wildlife Service.

I will say, parenthetically, that it was I who began the Bon Secour. I have a great interest in all these areas, and I think this reauthorization should be extended so that these can be appropriately completed.

Insofar as the Eastern Shore of Virginia Refuge is concerned, the federation, and our Virginia affiliate, support it. This, as has been described, is a remarkable model for the kind of cooperative acquisition that can be achieved. It is a continuing reinforcement of the appropriate role played by the Nature Conservancy in these matters.

Mr. Chairman, I know that time is of the essence. I want to make some rather particular comments on behalf of my federation and its Florida affiliate with respect to the Florida Panther Refuge. I will do this quickly, recognizing that my full statement will be in the record. I urge the chairman of the committee and his staff to look carefully at this statement because it addresses three fundamental points about which we are very concerned. This does not mean that we are not interested in this refuge; quite the contrary.

We are concerned about the fate of the Florida panther, which is so limited in its numbers. We ask that the committee look very carefully at the mechanism by which this is done. Let me say that one of the interests we have, and one of the concerns we would like to express, is the question of proposed boundaries for the acquisition.

We think that there may be a real need to acquire lands in addition to those confined by the boundaries. While the Service does, in fact, have a broad acquisition authority, I think it would be well for the legislation to authorize and, indeed, direct the Fish and Wildlife Service to acquire additional interest in real estate outside the proposed boundary should it determine that such areas are suitable for and actually used by the Florida panther.

In that connection, the exhibit to your right, Mr. Chairman, is a reflection of telemetry data acquired over a relatively short time describing the use of these areas by about six panthers. It clearly indicates that their understanding of boundaries, real and proposed, is fairly limited, and that the biological boundaries of this area ought not to be constrained by the language of legislation.

The second concern we have has to do with the acquisition of conservation easements. The final environmental assessment identifies about 9,000 additional acres that should be recommended for protection by conservation easement held by a third party, either the Florida Audubon Society, or the State of Florida.

The land proposed to be encumbered by such easements is presently owned by the Barron Collier Co., and it is indicated on the map attached to my statement. The environmental assessment is very specific on the land uses to be controlled by the easements—development rights, alteration of the natural topography, uses affecting the maintenance of the native vegetative communities, excessive public uses, and alteration of the natural water regime.

We recommend that the boundaries subject to such conservation easements be specifically identified in S. 893, and that the Fish and Wildlife Service be included as an eligible donee of such easements, and that this committee indicate its intention that such easements contain the restrictions listed above.

Specifically, it is imperative that none of the property subject to the easements be placed in residential development, or in intensive agriculture, such as citrus farming, avocado farming, or sugar cane operations. Such operations clearly are inconsistent with the biological needs of the panther.

However, we have no objection to the continued use of lands under easement for vegetable farming in a manner compatible with refuge objectives. We have obtained a copy of the easement as presently proposed by the Barron Collier Co., and we have included it as exhibit 3 to my statement.

Clause D(1) of this easement does, in fact, appear to restrict residential or commercial development involving the construction of buildings, and we commend the Barron Collier Co. for agreeing to this restriction. However, we are concerned about the retained use contained in clause F(3). The clause allows the company to engage in "normal, selective timbering and silviculture operations which do not involve clearing the encumbered land of clear-cutting of the timber on the encumbered land." It is our understanding that approximately 40 percent of the land proposed to be encumbered by this easement is already cleared and, therefore, available to conversion to orchard type agriculture such as planting of citrus trees, or for monoculture such as avocado or sugar cane.

For this reason we request that the committee obtain assurances from the Barron Collier Co. that it will retain the land under easement in essentially its present use—mixed vegetable farming—before acting favorably on this legislation.

Finally, we direct this committee's attention to clause E of the proposed easement relating to duration. The easement as proposed applies only so long as 'the easement holder and other Government agencies do nothing which substantially impairs the rights of landowners and their assigns, as otherwise reserved herein."

This, we think, is an invitation to conflict and litigation. What if the Collier Co. enacts its own ordinance restricting any of the retained uses, or if the State of Florida enacts additional land-use restrictions, or if a State or Federal agency denies a water permit as, for example, a section 404 permit to which the company believes it is entitled? Can the company then simply abrogate the easement? Obviously, the clause is untenable. The easement must be perpetual. Any illegal impairment of the company's retained rights of ownership should be resolved through traditional legal channels, but must not allow the company to abrogate the easement itself.

We draw the committee's attention to this proposed easement for a specific purpose.

Senator CHAFEE. I will tell you, Mr. Greenwalt, this gets into some detail. I get the point that you are making here.

I would stress, as you said, the Barron Collier Co. deserves the highest praise.

Mr. GREENWALT. We agree. Commendation is due also to Senator Hawkins, and others involved in this effort.

Mr. Chairman, I do not want to seem as if, among the members of the panel, I alone am somehow out of harmony with the enthusiasm for this, because that is not the case. Our collective objective is to retain those habitat values necessary for the Florida panther, and we think that it may be appropriate for the committee to look at the process by which this is done.

Please understand, as I am sure you have heard me say before, Mr. Chairman, I am in favor of the protection and preservation of these values, and we certainly encourage that.

Senator CHAFEE. Do you have any particular comments, Mr. Gable?

Mr. GABLE. Just to the extent that if we were to agree to the proposals—I have just read the statement earlier this morning—we would rather have the Government go ahead and buy it.

From the very beginning we have talked about citrus operations that were going in that area. So there has been no surprise. All of our negotiations have been with the Service out of the Atlanta Office, and we have always, from the very beginning, been clear about that.

Basically, we are in the citrus business. The area that is in question is north of the acquisition area in three spots, immediately north of it. This map does not reflect it.

Senator CHAFEE. Is this in the southwestern part of Florida, did you say?

Mr. GABLE. Yes, sir, in Collier County, in the southwest, immediately across the State from Fort Lauderdale.

Senator CHAFEE. This is obviously a complicated matter.

I was just curious. Mr. Greenwalt, in his statement, mentions the price of land, and I am not pinning you down here, is that in the range?

Mr. GABLE. It is a nice low percent of the range. Actually, the tax assessment on those properties is over $600 an acre. Our values are probably up closer to $800 an acre.

Senator CHAFEE. We can't resolve this now, because this is, obviously, a matter for intense negotiation and discussion.

Mr. Greenwalt, you pointed out that what the proposal is doesn't really solve the problem.

Do you have any thoughts on the training center?

Mr. GREENWALT. Mr. Chairman, I think the idea of a Service training center for those employees who are not ordinarily exposed to fisheries matters or to law enforcement, may be a very good one. The Service has for years made do—for at least 20 years that I can recall—with various kinds of facilities, and I believe that it may be time for a sophisticated and complex organization like the Service to have a center which it can devote to its purposes and share with other people.

I have been told, for example, Mr. Chairman, that our Virginia affiliate, which is very much involved in conservation matters in that State, would also use such a facility if it were available.

Senator CHAFEE. Somehow, the word "center" does not seem appropriate in that it is completely off center. It is way out in the extreme eastern part of the United States, and the Fish and Wildlife Service is all over the country. It is a tough place to get to.

I think that if the Fish and Wildlife Service had its druthers as to where to have a center, I am not sure that they would choose this spot.

Mr. ENO. Mr. Chairman, let me speak to that for a second.

Senator CHAFEE. I want to hear from Virginia.

Mr. ENO. It is far away, but the site is on a perfect marsh that emulates many of the Fish and Wildlife Service refuges across the country. In that sense, it is a perfect place.

They have buildings already there, and one of the keys to this proposal is that they would be refurbishing the Air Force buildings. A lot of the basic facilities, and infrastructure facilities are already there. So you have a major cost savings as opposed to have to build something from square one.

You already have from the Federation, Audubon, several universities, very serious interest in using such a facility.

Senator CHAFEE. I suppose that one of the attractions of such a center would be the proximity to a university, to get the kind of teachers that would be interested, and whether this qualifies. It is just an outfield throw over to Norfolk, isn't it?

Mr. ENO. Yes, it is really quite accessible by air.

Senator CHAFEE. Coming into Norfolk?

Mr. ENO. Yes, coming into Norfolk.

I think the Service has numbers to show that there will be a savings even in terms of management. There is considerable interest from other agencies to use this, the Forest Service, BLM, and a lot of other agencies.

Senator CHAFEE. BLM is a long way from there.

Thank you. Again, I want to thank you all for coming. Some of the issues are more clearcut here.

Also, I would like the record to show that Senator Warner is greatly interested in this refuge in Virginia, and has spoken to me about it. He vigorously supports the efforts of Senator Trible.

Thank you all for coming. I am sorry that I kept you waiting.

[Whereupon, at 11:37 a.m., the subcommittee adjourned.]

[Statements submitted for the record and the bills, S. 585, S. 893, and S. 1354 follow:]

STATEMENT OF F. EUGENE HESTER, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, CONCERNING S. 585, TO ESTABLISH THE EASTERN SHORE OF VIRGINIA NATIONAL WILDLIFE REFUGE AND NATIONAL FISH AND WILDLIFE SERVICE TRAINING CENTER AT CAPE CHARLES IN NORTHAMPTON COUNTY, VIRGINIA

SEPTEMBER 20, 1985

Mr. Chairman, at your request, I would like to discuss S. 585. The bill would "establish" the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles, Virginia.

We do not support enactment of S. 585 at this time.

On August 6, 1984, the General Services Administration approved a Fish and Wildlife Service request for transfer of the 174-acre Cape Charles Air Force Station. The refuge was begun in August of 1984 as a result of this transfer and the Service will continue to operate and maintain the existing Refuge.

S. 585 proposes to expand the refuge area to approximately 1,400 acres. The bill would protect an area related to the migration of birds along the Atlantic Flyway.

The site is at the southern tip of the Delmarva Peninsula in an area known as Wise Point. The Peninsula, like Cape May in New Jersey, narrows at the southern tip and provides a geographic "funnel" through which birds pass into an overwat stage of their migration. They typically pause in this "lands ends" area, particularly in bad weather, to rest and feed before making the crossing; or they

may circle northward from this point in a counterclockwise maneuver to move up the bay and inland before resuming their southward migration.

S. 585 also proposes to develop a National Training Center at the refuge for the Fish and Wildlife Service, which could serve other Federal and State agencies, educational institutions, and private organizations. We do not believe another training facility is needed because other facilities, such as those at Leetown, West Virginia, or Glynco, Georgia, are available for these purposes. Furthermore, the availability of educational institutions and on-site use at individual refuges within the National Wildlife Refuge System provide sufficient training opportunities for Service personnel and the general public.

We recognize the importance of this area for birds. However, the area is not undergoing rapid development and we have higher priorities in other areas. Based on current budgetary considerations, we do not plan to seek any funds for acquisition in this area in the foreseeable future. Therefore, this legislation is not necessary.

This concludes my discussion on S. 585.

STATEMENT OF F. EUGENE HESTER, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE. SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, CONCERNING S. 893, TO ESTABLISH THE FLORIDA PANTHER NATIONAL WILDLIFE REFUGE IN COLLIER COUNTY: FLORIDA

September 20, 1985

Mr. Chairman, as you requested I will now discuss S. 893. The bill would establish the Florida Panther National Wildlife Refuge in Florida.

We do not support enactment of S. 893 at this time.

I would, however, like to discuss the legislation briefly. The Florida panther is one of the most endangered mammals in the Nation, with a generally accepted population estimate of 20-30 individual animals in the Big Cyprus - Everglades region of Florida. There are three known population centers for the panthers - Fakahatchee Strand, Big Cyprus National Preserve and Everglades National Park. The latter two areas are in public ownership, comprising 1.97 million acres.

The FWS has been looking at the Fakahatchee Strand area for recovery of the Florida panther. In April of this year, the Service completed an environmental assessment, which recommended Federal and State land acquisition in this area.

The Service received an appropriation for $4 million for panther land acquisition in FY 1985. No funds were requested this year. The funds already appropriated can be expended under existing authority.

However, any further acquisition is still under review, and no Administration decision has been made to go forward with this project.

Accordingly, we do not anticipate requesting additional funds for the proposed acquisition in the near future, and we do not support enactment of the legislation at this time.

This concludes my prepared statement. I would be happy to answer any questions you may have.

STATEMENT OF F. EUGENE HESTER, DEPUTY DIRECTOR, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, ON S. 1354, TO AUTHORIZE APPROPRIATIONS FOR FOUR NATIONAL WILDLIFE REFUGES.

September 20, 1985

Mr. Chairman, it is a pleasure to appear before you this morning to testify on S. 1354, which would extend the authorization of appropriations for four National Wildlife Refuges.

S. 1354 would increase and extend until expended the authorization of appropriations for Bogue Chitto, Bon Secour, and Tensas River National Wildlife Refuges (NWR); and extend the authorization of appropriations for the Tinicum National Environmental Center (NEC) until expended. We oppose extension of these authorizations, as they are unnecessary since we have no plans to request funds for acquisition at these refuges in fiscal year 1986.

I would like to take the opportunity to briefly discuss each of the four refuge authorizations as proposed for amendment.

Bogue Chitto National Wildlife Refuge

Establishment of Bogue Chitto NWR was authorized by Public Law 96-288 on June 28, 1980. That Act directed the Secretary to designate approximately 40,000 acres of land and water near the juncture of the Pearl River and its tributary, the Bogue

Chitto, in Saint Tammany and Washington Parishes, Louisiana, and Pearl River County, Mississippi, as a national wildlife refuge; and authorized acquisition of lands within the boundaries by purchase, donation, or exchange. An authorization of $13 million was provided to acquire the land and $1 million was authorized for construction of the refuge headquarters and boat launching facilities and the accomplishment of boundary surveys. These authorizations are scheduled to expire September 30, 1985.

Bogue Chitto NWR was established to preserve a unique backwater swamp ecosystem along the lower Pearl River. The swamp supports large numbers of animal and plant species, including 150 species of breeding and wintering birds. Fourteen species of sport fish, seven commercial fish, five forest game and 86 species of migratory non-game birds can be found. The endangered bald eagle and American alligator are known to occupy the refuge. Refuge habitat includes bottomland hardwoods that contribute to the stability of the continental waterfowl population and provide excellent nesting habitat for the resident wood duck.

Because the refuge is in the acquisition phase and, as yet, does not have a site acquired that is suitable for construction, there has been no major development of facilities. Currently, management activities center around conducting hunting, fishing and other ongoing public use programs, and on gathering biological data for the future development of a master plan for the refuge.

Through fiscal year 1984, approximately 18,000 acres were acquired for the refuge by the Fish and Wildlife Service (Service). The State of Mississippi has acquired an additional 6,000 acres in the refuge area.

S. 1354 would increase the authorization of appropriations for land acquisition by $10 million and extend the authorization of appropriations for land acquisition and development until expended. Since we have no plans to request funds for acquisition in fiscal year 1986, we oppose extension of the authorization of appropriations at this time. The authority to acquire land by donation or exchange would not be affected by expiration of the authorization of appropriations. Moreover, when the overall fiscal climate changes, we might request specific authorization of appropriations if priorities lead us to request funds in future budgets for this purpose.

Bon Secour National Wildlife Refuge

Establishment of Bon Secour NWR was authorized by Public Law 96-267 on June 9, 1980. That Act directed the Secretary to create a refuge consisting of approximately 10,000 acres of land and water on the Alabama Gulf Coast at Mobile Bay, and required acquisition of lands within the boundary by donation, purchase, or exchange. An appropriation of $23.5 million was authorized to carry out the land acquisition. In addition, $1.5 million was authorized for development of the refuge. On July 9, 1984, additional legislation, Public Law 98-347, authorized the preservation of another 2,000 acres under the 1980 appropriations authority, bringing the total authorized acres to 12,000. The authorization of appropriations for acquisition for the 12,000 acres is scheduled to expire September 30, 1985.

Bon Secour NWR was established to preserve fragile coastal barrier habitat along the Alabama Gulf Coast. The most impressive wildlife component of the barrier island habitat on the refuge is the remarkable bird population. This area supports approximately 230 species of birds including 100 resident species, 40 non-resident over-wintering species, and 90 species of spring and fall migrants.

The refuge contains one of the last remaining large segments of undeveloped beach/dune areas and associated habitat in existence between Florida and Mississippi. There are at least nine federally-listed endangered or threatened species whose ranges overlap or are adjacent to the refuge. These include the American alligator, southern bald eagle, American peregrine falcon, and the red-cockaded woodpecker. The other five listed species are sea turtles which may use the off-shore waters adjacent to the refuge. The eastern brown pelican, which was recently delisted, also is found on the refuge.

The Service has acquired 3,400 acres, and an additional 550 acres will be acquired in fiscal year 1985. Through fiscal year 1985, $18.2 million of the originally authorized $23.5 million for land acquisition has been appropriated.

Bon Secour NWR is within 50 miles of one million people. With only a limited amount of coastal area open to the public in this vicinity, the refuge experiences a high demand for public use. The refuge provides the public with opportunities for wildlife oriented recreation. Through fiscal year 1984, $80,000 has been spent on refuge development, including roads, parking areas, boardwalk trail, and other facilities.

The authorization of appropriations for acquisition expires September 30, 1985. Under Public Law 96-267, appropriations remain available until expended. S. 1354 would extend the current acquisition authorization and increase the authorization level by an additional $10 million. All funds would remain available until expended. Since we have no plans to request funds for acquisition for Bon Secour in fiscal

year 1986, we oppose the increase and extension of the authorization of appropriations at this time. The authority to acquire land by donation or exchange would not be affected by expiration of the authorization of appropriations.

Moreover, when the overall fiscal climate changes, we might request specific authorization of appropriations if priorities lead us to request funds in future budgets for this purpose.

Tinicum National Environmental Center

Establishment of Tinicum NEC was authorized by Public Law 92-326 on June 30, 1972. That Act directed the Secretary to create a refuge and environmental center consisting of 1,200 acres of land and water in Philadelphia at the confluence of Darby Creek with the Delaware River. October 18, 1976 Public Law 94-548 increased the size of the refuge by approximately 45 acres to include an area known as the Folcroft Landfill. On November 4, 1977 Public Law 95-152 provided for additions to the refuge of about 80 acres, bringing the total authorized acquisition area to about 1,325 acres. Through fiscal year 1984, 898 acres have been acquired. The authorization of appropriations for acquisition and development is scheduled to expire September 30, 1985.

Over 280 bird species have been seen at the Tinicum NEC, with 50 species nesting there. Tinicum marsh is used heavily, in part, because urbanization, agricultural diking, and dredging along the Delaware River have eliminated thousands of acres of former tidal wetlands. The marsh is the only Pennsylvania location of the

eastern mud turtle and southern leopard frog, and one of only three places in the State where the large red-bellied turtle is found. These three species are on the State endangered species list. In addition to wetlands, upland forest and grasslands are found on the refuge.

Tinicum NEC is located in Philadelphia, where it provides an important opportunity for a wildlife experience for large numbers of people. The Center had nearly 45,000 visitors in 1983, more than a two-fold increase in five years. In keeping with the intent of Congress, the refuge continues to provide high quality programs in environmental education and wildlife-oriented recreation. Approximately 2,300 students and teachers used the Center for educational purposes in 1983. Of special importance is the environmental education training program which has graduated nearly 2000 area teachers. Other popular public uses of the refuge include wildlife observation, hiking, bicycling, canoeing, photography, and fishing. The Center also has an active volunteers program. The current refuge management program is centered around marsh rehabilitation and maintenance of facilities and equipment, with emphasis on environmental education and other public use activities.

The major public facilities at Tinicum NEC include a small visitor contact station and interpretive boardwalk trails for wildlife observation. Other activities at the refuge include rehabilitation of dikes and water control structures to improve the refuge's wetland habitat.

Originally, in 1972, an appropriations of $2.25 million was authorized by Public Law 92-326 for acquisition and development. On October 18, 1976, an additional

appropriation of $1.6 million was authorized. The following year, the Act was again amended to increase the total authorization to $11.1 million. On July 25, 1980, Public Law 96-315 increased the authorization of appropriations to $19.5 million for acquisition, construction of an educational center, and other development projects. That authorization expires September 30, 1985. Actual appropriations for land acquisition total $9.6 million, and $485,000 has been appropriated for development of the refuge. The $19.5 million authorization is sufficient to complete acquisition and development of the refuge. S. 1354 would extend this current authorization to remain available until expended. Since we have no plans to request funds for acquisition in fiscal year 1986, we oppose extension of the authorization of appropriations at this time. The authority to acquire land by donation or exchange would not be affected by expiration of the authorization of appropriations. Moreover, when the overall fiscal climate changes, we might request specific authorization of appropriations if priorities lead us to request funds in future budgets for this purpose.

Tensas River National Wildlife Refuge

Establishment of Tensas River NWR was authorized by Public Law 96-285 on June 28, 1980, to provide mitigation for six Corps of Engineers projects (Tensas River, Tensas-Cocodrie Pumping Plant, Sicily Island, Bushley Bayou, Red River waterway below river mile 104, and Red River levee). That Act authorized the appropriation of up to $10 million to the Department of the Interior for the acquisition of approximately 10,000 acres, and up to $40 million to the Department of the Army for the acquisition of approximately 40,000 acres of high quality forest/wetlands habitat as a part of the National Wildlife Refuge System. The authorization of appropriations for acquisition is scheduled to expire September 30, 1985.

Tensas River NWR is one of the most productive and diverse wildlife ecosystems in the southeastern United States. Particularly impressive is the abundance and diversity of flora and fauna it contains. This area is comprised of high timbered floodplain, open water, cypress-tupelo swamp, and low floodplain. It has long been noted for its large populations of game animals including deer, turkey, squirrel, rabbit, bobcat, fox, and raccoon. Black bear also exist in abundance on the area. Over 50 species of mammals occur in the Tensas Basin.

A number of species of migratory waterfowl winter in significant numbers in the wetlands of the basin. Literally millions of songbirds use this area as a wintering or resting place during migration. Wood ducks nest in the area.

For fiscal year 1985, Congress appropriated $2.5 million for the rehabilitation of roads and boat landings, and the design and construction of headquarters facilities and a bridge. The current refuge management program is centered around the maintenance of existing roads and development of parking areas to facilitate hunting and fishing activities; and the collection of data on wildlife populations and habitat needs, and public demands for future use in developing a refuge master plan.

The acquisition is being accomplished under an arrangement between the Department of the Interior and Corps of Engineers that has allowed the Department to transfer its appropriation of $10 million to the Corps of Engineers. We are pleased to announce that on February 5, 1985, the Corps of Engineers transferred approximately 36,800 acres to the Department of the Interior for inclusion in the Tensas River NWR. About 10,000 acres of the total 36,800 acres were acquired using the $10 million appropriated to this Department.

S. 1354 would increase the current authorization for the refuge by $10 million to remain available until expended. The bill would extend the current authorization of $40 million for the Department of Army until that money is expended.

Since we have no plans to request funds for acquisition for fiscal year 1986, we oppose extension of the authorization of appropriations at this time. The authority to acquire land by donation or exchange would not be affected by expiration of the authorization of appropriations. Moreover, when the overall fiscal climate changes, we might request specific authorization of appropriations if priorities lead us to request funds in future budgets for this purpose.

This concludes my prepared statement, Mr. Chairman. I would be pleased to answer any questions.

BARRON COLLIER COMPANY
A Florida Partnership
Suite 200, 2000 Golden Gate Parkway
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STATEMENT FOR HEARING ON S-893

My name is Lamar Gable. I am the Chief Operations Officer for the Barron Collier Company, a diversified family owned business, operating primarily in Collier County, Florida. Our company is involved in numerous business activities ranging from newspaper publishing to vegetable farming. My testimony today deals with S-893, the Florida Panther National Wildlife Refuge Bill proposed by Senator Hawkins. Because the entire land area encompassed by this bill is owned by members of the Barron Collier Sr., family, I have been asked by the senator's office to appear before you today.

The Collier family has been actively involved in Southwest Florida since the early part of this century. The family's commitment to the environment has been a long standing one and not something that has recently surfaced because it's in vogue.

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To highlight just a couple of examples; we were the largest contributor to the Everglades National Park, donating some 32,640 acres or roughly 51 square miles to the establishment of the park. The family also gifted the Collier Seminole State Park, approximately 9 square miles and are the largest contributors to the Audubon Society's Corkscrew Sanctuary of some 3200 acres. I point this out only as an indication of our willingness to work with the various interested parties in arriving at a mutually acceptable program for saving the panther.

All the members of the Collier family have followed with interest the debate concerning the preservation of the endangered Florida panther. While we have reservations over some of the suggested remedies, we can certainly appreciate the difficulties facing federal and state agencies assigned this most worthwhile task. It is our feeling that the acquisition being suggested, in combination with easements to contiguous lands to the north, will enhance the panthers chances for survival.

We feel the proposed legislation, if properly funded, will go along way towards satisfying the government's desires. We have worked for several months with U.S. Fish and Wildlife Service, the State of Florida's Game and Freshwater Fish Commission and other interested parties in trying to arrive at a reasonable boundary for the refuge. We feel the boundary as

delineated in S-893 is most acceptable and we support the legislation.

I will be more than happy to answer any questions from a landowner's prospective that the committee feels appropriate.

Respectfully,

Lamar Gable

National Audubon Society

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TESTIMONY OF AMOS S. ENO

DIRECTOR, WILDLIFE PROGRAMS

NATIONAL AUDUBON SOCIETY

PRESENTED TO THE

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

U.S. SENATE

SEPTEMBER 20, 1985

Mr. Chairman, I am Amos S. Eno, Director of Wildlife Programs for the National Audubon Society. I am testifying on behalf of over 550,000 Audubon members nationwide. We are pleased to be able to formally voice our strong support of the three bills under consideration today.

The National Wildlife Refuge System has long been a priority concern and action focal point for Audubon members. The National Association of Audubon Societies was one of the organizations whose concerns led to establishment of the first national wildlife refuge at Pelican Island. The Association also provided wardens for many of the early refuges. In more recent years, the Society has pursued its commitment to furthering the basic mission of the refuge system ("the preservation and enhancement of native wildlife in its natural diversity") on both the national and local level. Our staff in Washington has been a persistent advocate of additional appropriations for refuge operations, maintenance, and land acquisition. Two years ago, the Society implemented a national "Adopt-a-Refuge" program to provide the refuge system with an active public constituency and a volunteer support service at the local level. To date, 56 national wildlife refuges have been adopted by 87 Audubon chapters.

Cape Charles [S.585]. We believe that the bill to establish a Fish and Wildlife Service refuge and training center on the Eastern Shore of Virginia is one of the most important conservation proposals to be presented in years. Not only will it provide a means for wetland protection in a critical staging area for many migratory bird species, but it will also provide a vital education facility for refuge personnel -- a need that has been recognized for over 50 years.

The Society is particularly interested in this legislation because the area it would serve to protect is so ecologically significant. Our annual Christmas Bird Count includes a Cape Charles survey, which has consistently recorded the highest number of species in Virginia, and often the highest or near highest count in the eastern United States. Because of a unique combination of geographical and ecological features, Cape Charles provides important habitat for juvenile landbirds and raptors, migrating shorebirds and waterfowl, several endangered species, and upland game birds.

Cape Charles is perhaps most notable as a staging area during fall migration. Migrating birds, following the major north-south land features on the Atlantic Coast, often wait out unfavorable weather conditions before crossing large water barriers. Wise Point, at the tip of the Delmarva Peninsula, is one of two significant stop-over sites along the Atlantic seaboard (the other being Cape May, New Jersey). The variety of habitat types in the Cape Charles area -- wetlands, forests, open fields, and shrub communities -- provide cover and food for thousands of birds, allowing them to rest before resuming their migration over water. This is especially important to juvenile landbirds and raptors on their first flight south.

Diurnal raptors (hawks, falcons, eagles, and vultures) are especially visible here. Autumn raptor migration was first described in detail in 1936, and Service biologists have since noted densities that serve to identify Cape Charles as an area of national importance. Ospreys, which are making a strong recovery in the Chesapeake Bay region after suffering severe population declines, nest and feed in the vicinity of Cape Charles. The osprey is

unofficially designated as threatened in Virginia, and the Service hopes to maintain a stable population of these birds in the Bay region.

The wetlands and bays of Cape Charles also provide wintering habitat for a variety of waterfowl, including the snow goose and the black duck. The latter species, whose population has suffered a dramatic decline in recent years, also nests in this area. Audubon is very concerned with the status of the black duck, and we note that the Service emphasizes adequate maintenance of its wintering habitat as a top priority in the Region 5 Resource Plan.

Several federally listed endangered and threatened species may be found in the Cape Charles area. The most notable of these is the Arctic peregrine falcon. Recent observations by ornithologists indicate that Cape Charles is one of the most important concentration points for peregrines along the East Coast, and that the species occurs here in numbers similar to those observed 50 years ago. The bald eagle is reestablishing itself on the lower Delmarva Peninsula, and two active nests have been recently observed near Wise Point. The threatened loggerhead turtle, which reaches its northern nesting limit along the barrier beaches of the Delmarva Peninsula, feeds in waters of the Cape Charles vicinity from spring through fall. Four other marine turtles occur rarely in the area: the endangered leatherback, Atlantic hawksbill, and Atlantic ridley, and the threatened green turtle.

Cape Charles uplands provide habitat for important game species such as the bobwhite quail, mourning dove, and American woodcock. The latter species has been designated a National Species of Special Emphasis because of

declining population numbers and loss of habitat. The woodcock is found in high numbers in the Cape Charles area during fall migration; Audubon's Cape Charles Christmas Count recorded the highest woodcock numbers nationwide for 12 out of 17 years from 1965 to 1981. The species is known to nest throughout the Delmarva Peninsula, but the extent of woodcock nesting in the Wise Point area has not yet been determined.

The Society believes that federal acquisition of lands encompassed by the Service's refuge plan should be carried out as soon as possible, because without federal protection, development in the area appears to be inevitable. The bridge-tunnel toll will most likely be substantially reduced in the next 20 years, when the bonds are retired. Elimination of this financial barrier to lower Northampton County could help turn the area into a viable suburb of the Norfolk metropolitan area. Land speculation and development plans appear to be already occurring in the County. Homesite construction will necessitate the filling of low-lying areas, and will result in loss of critical wildlife habitat -- with direct, adverse effect on all species, including those listed as threatened or endangered.

The timeliness of this proposal is obvious -- the Wise Point Corporation property is currently for sale, and the Nature Conservancy has just signed a contract to purchase the 375-acre bridge-tunnel tract, with the intent to convey that property to the Service if federal funds are appropriated.

The National Audubon Society is supportive of S.585 for another reason: because it would establish a much-needed training center for refuge

personnel. The Service now owns the former Cape Charles Air Station, and is thus presented with a once in a lifetime opportunity for cost-effectively siting such a facility. Indeed, the projected rehabilitation cost represents a fraction of the estimated cost of constructing new facilities. The proposed center will be open to the public, and is ideally situated to serve as an environmental education facility for the populous Eastern seaboard. Universities and private organizations will be able to use the center for a broad range of activities. The College of William and Mary and Old Dominion University have both expressed an interest in using the facility to house student researchers. Audubon operates numerous environmental education and training programs with refuges across the country, and we anticipate that the Eastern Shore Training Center will offer an additional opportunity for such cooperative programs. Our Mid-Atlantic office holds state-wide Audubon Council meetings twice a year in Virginia, and often sponsors regional workshops and conferences. The training center would provide an excellent location for these, and possibly a site for board or national staff meetings.

We think it important to note that the legislation has the full support of Northampton County officials. The projected influx of tourists and refuge personnel into the area will certainly be a boon to what is considered to be a relatively economically depressed area. The outstanding natural scenery of the Cape Charles area is the first view that northward-bound travellers have of the County; preservation of this aesthetic value may be helpful in increasing the tourist industry there.

Finally, we note that both the Senate and the House have appropriated $2,640,000 for land acquistion at Cape Charles, pending authorization of the

refuge. This vote of confidence in the project should also be included in the Committee's consideration of this legislation.

Fakahatchee Strand [S.893]. The proposal to establish the Florida Panther National Wildlife Refuge is also of great interest to the Society, and we support it wholeheartedly. The Florida panther is one of the most endangered mammals in North America, and preservation of its habitat is vital to recovery of the species. The Fakahatchee Strand area is one of the three known population centers of the panther. Of the 20 to 30 individuals known to inhabit the Big Cypress-Everglades region, about 15 are found in the Strand area. Recent radio telemetry data shows that the proposed refuge lands to the north of the State Preserve are heavily used by panthers.

The final recovery plan for the Florida panther states that

> . . .it is vital to acquire the remainder of the Fakahatchee Strand and the prairies and cypress forests adjacent to it to insure that a unified management strategy can be effected for the area and to provide an extremely important corridor of natural habitat between the Fakahatchee Strand, the Big Cypress National Preserve, and the Everglades National Park.

The land included in the refuge proposal is composed of vital habitat components, with most of it made up of mixed hardwood and cypress swamp. A small portion to the west of State Route 29 is primarily open prairie habitat.

Steadily increasing population density in south Florida has intensified development pressures on the area. In particular, the strip of prairie land running between Route 29 and the eastern border of the Big Cypress National Preserve is threatened by agricultural development, which continues to pose the greatest threat to the panther.

It is important to note that the approximately 32,000 acres included in the refuge proposal are owned by two corporations who are willing to sell it now for creation of the refuge. Indeed, both the House and the Senate have included funds for acquisition in FY 1986 -- $6,000,000 and $3,000,000 respectively.

The time for action on this proposal is now -- considering the tenuous status of the panther, increasing development pressures in the area, and the willing seller situation. According to the final environmental assessment, federal habitat protection must be completed within the next five years, or "we may see the extinction of the Florida panther."

Bon Secour, Tensas, Boque Chitto, Tinicum [S.1354]. Finally, the National Audubon Society would like to go on record in support of S.1354, which extends the authorization of appropriations for these four units of the national wildlife refuge system. In this era of fiscal restraints, it makes sense to authorize the appropriation of funds for an extended period of time, to allow the federal government the latitude to pick and choose in a given year among high priority acquisition projects. We can only add that we hope that the funds authorized will indeed be approved for expenditure in future fiscal years, but understand that such an action is not within the jurisdiction of this committee.

The Nature Conservancy

1800 North Kent Street, Arlington, Virginia 22209
(703) 841-5300

STATEMENT OF L. GREGORY LOW, VICE PRESIDENT,
THE NATURE CONSERVANCY BEFORE THE SENATE SUBCOMMITTEE
ON ENVIRONMENTAL POLLUTION, SENATE COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
SEPTEMBER 20, 1985

Mr. Chairman, members of the subcommittee, my name is Greg Low, Vice President of The Nature Conservancy. We appreciate very much the opportunity to present our views on S 585, legislation to create the Eastern Shore of Virginia National Wildlife Refuge and Training Center, introduced by Senator Paul Trible. We would like to commend Senator Trible for introducing this legislation. We would like to thank you, Mr. Chairman, for your willingness to schedule this hearing.

The Nature Conservancy is a national, private, non-profit conservation organization dedicated to the preservation of ecologically significant natural areas and the diversity of life they support. As the foundation of its work, The Nature Conservancy scientifically identifies the most threatened flora, fauna, and natural systems in this country through a series of computerized databases called Heritage programs. These information systems compile data on the existence, characteristics, numbers, condition, status, location and distribution of rare or declining species and habitats and other uncommon natural features in a state or region. The Heritage program can identify those areas in a given state and/or region that are the most significant ecologically and, therefore, the most important targets for conservation.

Since 1954, the Conservancy has preserved, mostly through fee acquisition, nearly two and a half million acres of environmentally sensitive land. In 1984, The Nature Conservancy acquired through gift or purchase over 311,000 acres of land with a value of nearly $71,000,000 million. We have also assisted the federal government with more than $150 million worth of land acquisition, at an estimated savings to the government of $50 million.

As a result of our national scientific inventory efforts, the Conservancy has identified the Virginia Eastern Shore as a crucial ecosystem for the existence of undisturbed barrier islands, important nesting colonies of colonial waterbirds, and crucial habitat for migratory waterfowl, raptors, and songbirds.

The Nature Conservancy has been involved in the conservation of Virginia's Eastern Shore for a number of years. Over a period of fifteen years, we have acquired all or parts of some thirteen barrier islands stretching south from Assateague National Seashore to just north of Fisherman's National Wildlife Refuge. These islands now comprise our Virginia Coast Reserve. This was the first significant step in preserving the Eastern Shore ecosystem.

The preservation job needed on the Eastern Shore, however, is far from done. That is why we enthusiastically endorse S 585 and urge its passage by this subcommittee and by Congress. S 585 would establish the Eastern Shore of Virginia National Wildlife Refuge and Training Center and thereby provide protection for the Cape Charles area, one of the key areas on the Eastern Shore. Cape Charles is on the mainland just south of The Nature Conservancy's Virginia Coast Reserve and just north of Fisherman's Island National Wildlife Refuge.

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Geographically speaking, the proposed refuge may be viewed as simply an extension of the existing Fisherman's Island refuge. It is unmistakeably the key area in the preservation of migratory hawks, shorebirds, and songbirds -- not just on the Eastern Shore, but quite possibly for the whole Eastern United States. Most habitat types existing in the Mid-Atlantic coastal plain -- such as salt marshes, beach dunes, and shrub forests -- are present in the proposed refuge and surrounding area. Having this diversity located on the Atlantic Flyway gives the area added significance and value. These habitat types combined with the barrier islands and the Chesapeake Bay, provide feeding and resting habitat for large numbers of waterfowl and other birds during spring and fall migrations.

The southern tip of the Eastern Shore, the area proposed for inclusion in the Eastern Shore of Virginia Refuge, is one of the two most important stopover areas for juvenile land birds during the fall migration. The first southern migration for juvenile birds can be particularly stressful, because they have no previous navigational experience and because they are not as strong as the adults. The younger birds are deflected eastward by weather patterns in the fall, and counts have shown that the majority of the birds passing thorough the Eastern Shore during fall migrations are juveniles.

As the birds migrate south along the Atlantic Coast, they are influenced by three major bodies of water - the Delaware Bay, the Chesapeake Bay, and the Atlantic Ocean. Two narrow peninsulas created by these waters lead to a funneling effect on the birds as they fly. The two key points of concentration are Cape May in New Jersey and Cape

Charles at the southern tip of the Delmarva Peninsula. A series of smaller preserves have already been established at Cape May and along the Delaware Bay. S 585 would establish the needed protection at Cape Charles.

As they funnel down the Eastern Shore peninsula, the migratory birds need sufficient habitat of fields and forests, and they need large areas which have minimum human impacts, particularly near the southern tip of the peninsula, where they rest, feed, and wait for favorable wind patterns before beginning the twenty-mile Chesapeake Bay crossover. This is especially true during the fall migration of raptors, songbirds, and other upland birds. The fall Cape Charles bird count has consistently had the highest number of species recorded in Virginia and oftentimes has the highest count for the eastern United States.

The species that depend on the habitat that would be protected by enactment of S 585 include colonial nesting waterbirds such as the royal, least and Forster's terns, the yellow-crowned night-heron, little blue and greenbacked herons and snowy and great egrets. Migratory waterfowl such as the black duck, the greater snow goose and the brant are found in the area. All three of these species are listed in the U.S. Fish and Wildlife Service's Region 5 Regional Resource Plan, which has as its goal the protection and maintenance of sufficient wintering habitat. There are osprey, another species that is part of the Region 5 Resource Plan, nesting on the Cape Charles Air Force station site. And the piping plover, listed as a threatened species by the Commonwealth of Virginia, nests on nearby Fisherman's Island.

Several federally listed endangered species depend on habitat in and

around the Cape Charles area. These include the peregrine falcon, the bald eagle, and the brown pelican. One study concluded that it is likely that nearly all of the peregrines which breed in the northeastern United States and eastern Canada have to pass through Cape Charles on their way south. The area is a concentration point for the peregrines. The bald eagle is making a comeback on the Virginia Eastern Shore and the Cape Charles area provides critical migratory habitat for that species. Brown pelicans have been observed recently in the vicinity of Cape Charles, and it is likely that they may establish a breeding colony on nearby Fisherman's Island and would depend on the habitat on Cape Charles for food. There are other species that depend on the Cape Charles area. The Audubon bird count has established that the Cape Charles area has the highest population of woodcock, another species that is included in the Region 5 Resource Plan. Five federally listed marine turtles may occur in the waters in the Cape Charles area.

The Nature Conservancy's endorsement of S 585 includes our support for the creation of the Fish and Wildlife Service Training Center, using the existing facilities of the old Cape Charles Air Force base. As a national organization within driving distance of the proposed center, The Nature Conservancy along with other conservation organizations, has already expressed its interest to the Fish and Wildlife Service in using such a facility for conferences, meetings, and training sessions.

Most of the land that is included in the boundaries of the Eastern Shore of Virginia Refuge as proposed by S 585 is controlled by the U.S. General Services Administration, the Chesapeake Bay Bridge Tunnel

Authority, and the Wise Point Corporation.

Last year the General Services Administration proposed that the inactive Cape Charles Air Force Station be considered for disposal as federal surplus property. The Fish and Wildlife Service had the property transferred to its jurisdiction and thereby established ownership of the first parcel within the boundaries of the proposed Eastern Shore of Virginia refuge.

Recent events have created even a greater sense of urgency about preservation of the Cape Charles area. The adjoining 396 acres owned by the Chesapeake Bay Bridge Tunnel Authority was listed on the real estate market, and a serious offer for its purchase was made by a development company. The development of this particular property for second home or primary residential use -- current zoning permits one dwelling per 30,000 square feet -- would be totally incompatible with the critical needs of the migratory birds that flock to this area in the hundreds of thousands. In light of this development, and knowing of The Nature Conservancy's interest in the area, the local County Commissioners and the Fish and Wildlife Service, identifying the area as highly significant, requested the assistance of The Nature Conservancy in acquiring the property, with the full understanding that appropriated funds were not available.

Responding to that request, The Nature Conservancy began negotiations with the Bridge Tunnel Authority in April. We are happy to report that last week, we signed a contract to acquire this property. As a private organization, The Nature Conservancy can respond to this kind of immediate threat more effectively than can the federal government

and we are happy to do so. It is The Nature Conservancy's intention to convey this parcel to the Fish and Wildlife Service at our cost for inclusion in the Eastern Shore of Virginia National Wildlife Refuge.

The House of Representatives has approved its funding bill for Fiscal Year 1986. Recognizing the importance of the area and the immediacy of the threat, this legislation includes $2.6 million in the Fish and Wildlife Service's land acquisition account for purchase of the Bridge Tunnel property, pending authorization. S 585 will provide the Fish and Wildlife Service with that authorization.

We believe that the preservation of the most critical of the fast-dwindling biological resources of our country is one of the most important needs facing the country today. We are consuming our natural capital at an alarming rate. Once consumed, this capital cannot be recaptured. The proposed Eastern Shore of Virginia National Wildlife Refuge will be a significant and important addition to this much needed preservation effort. We respectfully urge this subcommittee and Congress to approve S 585. Thank you.

NATIONAL WILDLIFE FEDERATION

1412 Sixteenth Street, N.W., Washington, D.C. 20036 202—797-6800

Testimony of
Lynn A. Greenwalt
Vice President for Resources Conservation
National Wildlife Federation

on S. 893
The Florida Panther National Wildlife Refuge Act

Before
The Subcommittee on Water Pollution Control
Senate Committee on Environment and Public Works

September 20, 1985

Thank you, Mr. Chairman, for the opportunity to appear before the Committee in support of S. 893, the Florida Panther National Wildlife Refuge Act, on behalf of both the National Wildlife Federation and its Florida affiliate, the Florida Wildlife Federation. National Wildlife Federation has 4.5 million members and supporters nationwide and 51 state and territorial affiliates.

The National Wildlife Federation and the Florida Wildlife Federation support acquisition of additional land in the northern portion of the Fakahatchee Strand above State Route 84, also known as "Alligator Alley". While enactment of S. 893 will hopefully accelerate the Fakahatchee acquisition program, it is important to recognize that the United States Fish and Wildlife Service already has authority to acquire this property and manage it for the benefit of the endangered Florida Panther under the authority of the Endangered Species Act of 1973, the Land and Water Conservation Fund

Act amendments of 1976, and the Fish and Wildlife Act of 1956. Nevertheless, the sense of urgency that attaches to specific Congressional authorization justifies the favorable attention of this Committee to this acquisition. We specifically commend Senator Hawkins for her leadership on this issue.

However, S. 893 does not represent the entire area needed by the Florida Panther. Additional buffer areas will be required. The Final Environmental Assessment (EA) for the Fakahatchee Strand acquisition, published by the Fish and Wildlife Service in April 1985, identifies additional properties to be protected to the north and northwest of the boundaries delineated in the bill. However, since these areas are already partially converted to agricultural development (primarily truck farming of tomatoes, beans, and other vegetables), the final EA proposes the placement of easements upon this property rather than acquisition. Our testimony will address three separate issues relating to the combined fee acquisition/easement proposal outlined in the Final Environmental Assessment:

(1) The boundaries for fee acquisition.

(2) The coverage and content of the easements.

(3) The timing of the fee acquisition/easement process.

(1) Acquisition Boundaries

The proposed boundaries for fee acquisition in S. 893 conform to the boundaries recommended for fee title acquisition contained in the final Environmental Assessment. To this are added lands recommended for fee acquisition by the National Park Service for addition to the Big Cypress National Park Preserve located north of

Alligator Alley. However, the latest radio-telemetry data, developed in 1984, reveals an increased incidence of panther use to the southwest and the northeast of the proposed boundaries. The boundaries of S. 893 should be redrawn to include these areas within the proposed acquisition. I have an exhibit reflecting this latest telemetry data and request that it be included in the record of this hearing (Exhibit 1).

Second, it is important that this legislation not give the impression that the FWS has no authority to acquire interests in property on behalf of the Florida Panther outside the area identified. Additional acquisitions and/or easements may be required. Pursuant to the statutory authorities mentioned above, the Fish and Wildlife Service has the authority to acquire interests in these areas and, with or without this legislation, this authority will remain. Therefore, we recommend this legislation not only authorize--but direct--the Fish and Wildlife Service to acquire additional interests in real estate outside the proposed boundaries should it determine that such areas are suitable for, and actually used by, the Florida Panther.

(2) Acquisition of Conservation Easements

The final Environmental Assessment identifies approximately 9,000 additional acres recommended for protection by a conservation easement held by a third party (either the Florida Audubon Society or the State of Florida). The land proposed to be encumbered by such easements is presently owned by the Barron-Collier Company and is indicated by the three shaded areas to the north and northwest

of the area to be acquired in fee, as indicated in Exhibit 2 to this testimony. The assessment is very specific on the land uses to be controlled by such easements:

> Land uses which need to be controlled or restricted by conservation easements are:
>
> 1. Development rights (commercial, industrial, residential).
> 2. Alteration of the natural topography.
> 3. Uses affecting the maintenance of native vegetative communities.
> 4. Excessive public access.
> 5. Alteration of the natural water regime.

Final Environmental Assessment at p. 13. We recommend that the boundaries subject to such conservation easements be specifically identified in S. 893, that the FWS be included as an eligible donee of such easements, and that this committee indicate its intention that such easements contain the restrictions listed above. Specifically, it is imperative that none of the property subject to the easements be placed in residential development or in intensive agriculture such as citrus farming, avocado farming, or sugar cane operations. Such operations, which involve the intensive use of pesticides and herbicides, eliminate native vegetative communities and destroy the value of the area as panther habitat. However, we have no objection to the continued use of lands under easement for vegetable farming in a manner compatible with refuge objectives.

We have obtained a copy of the easement as presently proposed by the Barron-Collier Company and have included it as Exhibit 3 to

this testimony. Clause (D)(1) of the easement does appear to restrict residential or commercial development involving the construction of buildings and we commend the Barron-Collier Company for agreeing to this restriction.

We are concerned, however, about the retained use contained in Clause (F)(3). The clause allows the company to engage in "normal, selective timbering and silviculture operations which do not involve clearing the encumbered land or the clear-cutting of timber on the encumbered land." It is our understanding that approximately forty percent of the land proposed to be encumbered by this easement is already cleared and therefore available for conversion to orchard-type agriculture such as the planting of citrus trees, or for monoculture agriculture such as avocade or sugar-cane. For this reason, we request that this Committee obtain assurances from the Barron-Collier Company that it will retain the land under easement in essentially its present use--mixed vegetable farming--before acting favorably on this legislation.

Finally, we direct this Committee's attention to Clause (E) of the proposed easement, relating to duration. The easement as proposed applies only so long as "the Easement Holder and other Government agencies do nothing which substantially impairs the rights of Landowners and assigns, as otherwise reserved herein." This is an invitation to conflict and litigation. What if Collier County enacts zoning ordinances restricting any of the retained uses? Or if the State of Florida enacts additional land-use restrictions? Or if a state or federal agency denies a water permit (including a 404 wetland permit) to which the company believes it is

entitled? Can the company then simply abrogate the easement? Obviously, this clause is untenable. The easement must be perpetual. Any illegal impairment of the company's retained rights of ownership should be resolved through traditional legal channels but must not allow the company to abrogate the easement itself.

We draw the Committee's attention to this proposed easement for a specific purpose. Almost 9,000 acres is left out of the proposed acquisition area because it is assumed that the easement will adequately protect panther habitat. We fear it will not. If the proposed easement is not strengthened, the U.S. Fish and Wildlife Service should be directed to acquire these additional lands in fee.

(3) Timing and Acquisition

Two other provisions of the proposed easement must be addressed by this Committee: the consideration for, and the timing of, the conveyance. As drafted, the only consideration the company is asking in return for the easement is the acquisition of its other properties within the boundaries of S. 893. As to timing, the easements will be conveyed as the property is acquired. The Barron-Collier Company deserves the highest praise for this magnanimous offer to essentially donate the easement and we ask this Committee to acknowledge this contribution in its report language.

However, it is crucially important to separate the donation of easements from acquisition in fee. The value of the fee

acquisition will presumably be decided through voluntary agreements entered into between the Fish and Wildlife Service and the Barron-Collier Company. If the donation of the easement is made contingent on agreement as to the value of the property to be acquired in fee, the value of the property to be acquired goes up. This has two objectionable results:

1. The total cost of acquisition goes up.
2. The benchmark fair market value of undeveloped panther habitat in southwest Florida goes up. This is important since additional acquisitions are contemplated to the east and south of the proposed acquisition in S. 893.

For these reasons, we recommend that either (1) the area subject to easement be donated immediately and thus separated from the negotiations for acquisition in fee or (2) the Fish and Wildlife Service deduct the fair market value of the donated easement from the agreed-upon price for the area acquired. This will assure that the agreed-upon price of the property acquired reflects the actual fair market value of the property.

A third option remains. An official appraisal of the property to be acquired in fee has been conducted for the Fish and Wildlife Service, and was completed in June of this year. The results of this appraisal, which have been made available to both the Barron-Collier Company and Collier Enterprises (the other major landowner in the area to be acquired) places the fair market value of the property to be acquired at $350 per acre. In order to retain the companies' bargaining position with the federal government, while maximizing the value of the federal acquisition dollar,

we recommend that, at the time the parties reach agreement on the price of the acquisition, any increment over $350 per acre be specifically identified as additional consideration for conveyance of the easement. If this is done, negotiation over the easement and the acquisition can proceed simultaneously while assuring that the federal government will be able to obtain the maximum amount of panther habitat within available funding levels.

In summary, the National Wildlife Federation commends all parties working in good faith to conserve panther habitat in south Florida. In order to maximize the benefits gained from such conservation efforts, boundaries will have to be adjusted and costs of acquisition must be kept as low as possible. If not, less habitat will be acquired and the objectives of this legislation, the ambitious "Save the Everglades" program launched by Governor Robert Graham two years ago, and the praiseworthy efforts of the private landowners and the public agencies working to protect this critically endangered animal will be frustrated. Thank you.

FIGURE 5
PROPOSED STATE AND FEDERAL ACQUISITION RECOMMENDED
IN ALTERNATIVE 6 (PROPOSED ACTION)

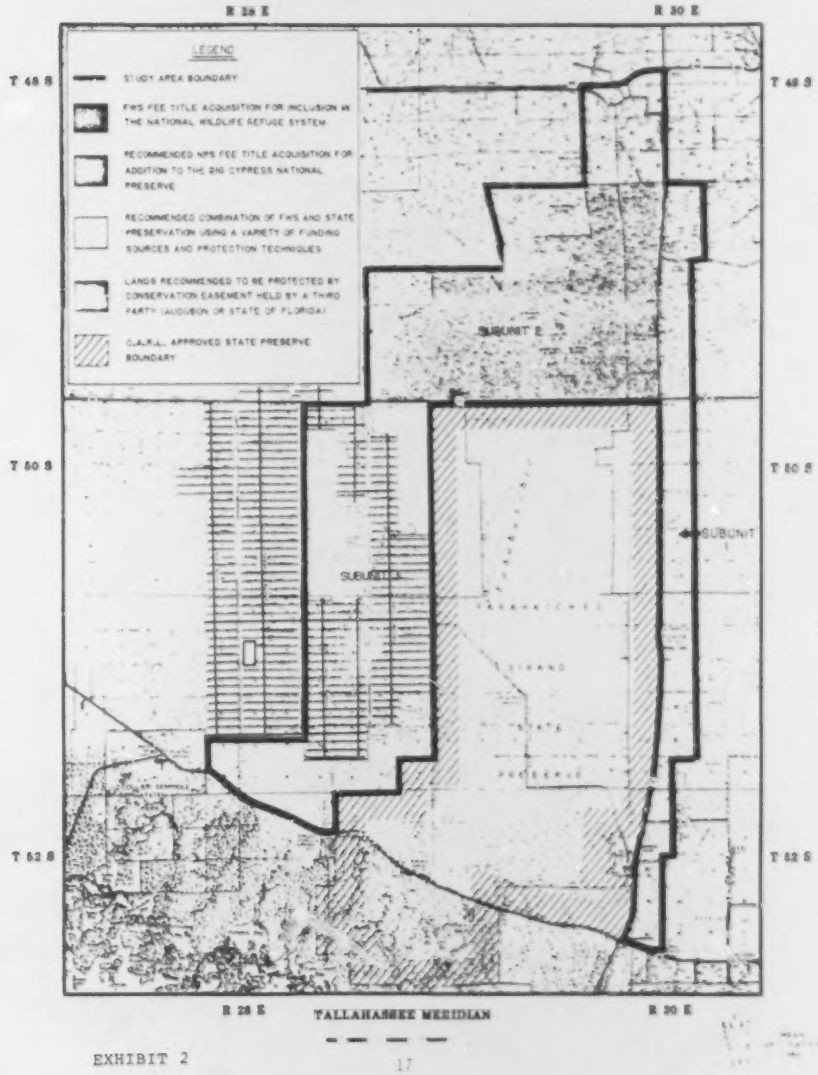
R 26 E
R 30 E
T 48 S
T 50 S
T 52 S
LEGEND
STUDY AREA BOUNDARY
FWS FEE TITLE ACQUISITION FOR INCLUSION IN THE NATIONAL WILDLIFE REFUGE SYSTEM
RECOMMENDED NPS FEE TITLE ACQUISITION FOR ADDITION TO THE BIG CYPRESS NATIONAL PRESERVE
RECOMMENDED COMBINATION OF FWS AND STATE PRESERVATION USING A VARIETY OF FUNDING SOURCES AND PROTECTION TECHNIQUES
LANDS RECOMMENDED TO BE PROTECTED BY CONSERVATION EASEMENT HELD BY A THIRD PARTY (ACQUISITION BY STATE OF FLORIDA)
C.A.R.L. APPROVED STATE PRESERVE BOUNDARY
SUBUNIT 2
SUBUNIT
SUBUNIT
R 26 E
TALLAHASSEE MERIDIAN
R 30 E

EXHIBIT 2

CONSERVATION EASEMENT

This is a grant of a Conservation Easement made as of this _____ day of _____, 1985, by Lamar Gable, Harold S. Lynton and Marguerite R. Collier as Trustees for Marguerite R. Collier under the Will of Barron Collier, Jr., deceased (probated in the Circuit Court for the Twentieth Judicial Circuit, Collier County, Florida, Probate Division No. 76-33), and Lamar Gable, Harold S. Lynton and Juliet C. Sproul as Trustees for Juliet C. Sproul under said Will of Barron Collier, Jr., and Lamar Gable, Harold S. Lynton and Barron Collier III as Trustees for Barron Collier III under said Will of Barron Collier, Jr., and Barron Collier III, individually, whose address is 2600 Golden Gate Parkway, Naples, Florida 33942 (collectively, "Landowners") to

_____
_____ ("Easement Holder").

A. Effective Date. The Conservation Easement shall be effective as of the time when the United States Fish and Wildlife Service of the Department of the Interior purchases Tracts 1, 2, and 3, described on Exhibit A, attached and made part hereof. ("the acquisition"). The acquisition of the lands in Tract 1 shall create this Conservation Easement on the lands in Tract 1A; the acquisition of the lands in Tract 2 shall create this Conservation Easement on the lands in Tract 2A; the acquisition of the lands in Tract 3 shall create this Conservation Easement on the lands in Tract 3A. It is contemplated that the acquisition of these tracts will be made serially and not simultaneously. The ultimate failure to acquire the remaining tract(s) shall not create any additional servitudes on any additional lands in Tracts 2A or 3A, or either of them. The Conservation Easements shall be effective when the instruments of conveyance as to each tract are recorded in the Official Records of Collier County, Florida.

B. Consideration. The consideration for granting this easement is the acquisition of the lands described in Paragraph A, above, (and Exhibit A) by the United States Fish and Wildlife Service of the Department of the Interior, One Dollar ($1.00) and other good and valuable consideration, and the mutual assurances and covenants herein.

C. Lands Subject to this Easement. The lands to be encumbered by this easement lie in Collier County, Florida, and are more particularly described in Exhibit A, as Tracts 1A, 2A, and 3A, jointly or severally, as described in paragraph A above. ("The Encumbered Land").

D. Nature of Conservation Easement. This Conservation Easement is an interest in the real property (described in the preceding paragraphs) in order to retain The Encumbered Land in its natural, scenic and wooded condition as suitable habitat for endemic plants, trees, aquatic fauna, and wildlife. This easement precludes and prohibits the following activities on The Encumbered Land (by Landowners or Easement Holder, their privies or assigns):

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on, above, or below the ground, except for oil and gas exploration, production, extraction and transportation.

2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.

3. Removal or destruction of trees, shrubs, or other vegetation.

EXHIBIT 3

4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.

6. Activities detrimental to drainage, flood control, water conservation and quality, erosion control, soil conservation, or fish and wildlife habitat preservation.

7. Acts or uses unreasonably detrimental to such retention of land or water areas.

Any roads, ditches, dikes, filling of depressions, or other man-made alterations of the encumbered land proposed by Landowners will require authorization of Easement Holder. Such proposed alterations, which may be suggested in writing by Landowners to Easement Holder, may be approved or denied by Easement Holder. Denial shall require a reasonable basis under then existing circumstances. If Easement Holder fails to respond to Landowners' written proposal for such alterations within thirty (30) days of receipt by Easement Holder (as evidenced by Certified United States Mail Postal Receipt) the proposed alteration shall be deemed approved by Easement Holder.

E. Duration. This Conservation Easement shall remain in effect so long as Easement Holder and other Government agencies do nothing which substantially impairs the rights of Landowners and their assigns, as otherwise reserved herein.

F. Landowners' Reserved Uses of The Encumbered Land. Landowners and their successors and assigns may use the encumbered land as follows (to the extent that these provisions conflict with paragraph C, these provisions shall control):

1. For grazing cattle, including necessary fencing for management and containment of cattle. Landowners may carry on state-of-the-art agricultural practices on those lands delineated on a map labled "Farm Lands" attached and made part of this agreement as Exhibit B.

2. For normal, limited recreational uses such as hunting, fishing, and camping.

3. For normal, selective timbering and silviculture operations which do not involve clearing the encumbered land or clear-cutting of the timber on the encumbered land.

4. For exploration for, drilling, production, extracting, and transportation of oil, gas, petroleum substances, or other substances which may be produced with or incidental to oil, gas and petroleum substances, subject to Florida statutory law embodied now or hereafter in Chapters 377 and 403, Fla. Stats. and administrative rules and regulations promulgated thereunder.

5. There shall be no right of ingress, egress, or either, accruing to the general public as a result of this Conservation Easement and Landowners shall not be required to open The Encumbered Land to the general public. Easement Holder and its authorized agents, including the Florida Game and Fresh Water Fish Commission, shall be entitled to inspect The Encumbered Land and conduct research thereon which is not in conflict with Landowners' reserved uses, upon reasonable notice to Landowners and the consent of Landowners, which consent shall not be unreasonably withheld.

6. Overflow of water from exterior T-Spread swales

into The Encumbered Land shall not be considered a violation of any provision of paragraph C hereof provided all conditions of the Consent Order are adhered to and said overflow does not cause significant reductions in the values of the land in its natural, scenic and wooded condition as suitable habitat for endemic plants, trees, aquatic fauna and wildlife.

7. Water detention areas in The Encumbered Land may be constructed by Landowners, if approved by South Florida Water Management District (or any successor agency into which it may be merged), provided that Landowners otherwise comply with the terms of this Conservation Easement.

The covenants agreed to and the terms, conditions, restrictions, and purposes imposed with this grant shall not only be binding upon the Landowners but also their successors and assigns and any other successors to them in interest and shall continue as a servitude running with the property until terminated in accordance with paragraph E.

Subject to the foregoing provisions, landowners hereby grant and convey to Easement Holder the Conservation Easement described in this instrument as of the dates of the acquisitions described in paragraphs A, B, and C hereof.

Witnessed by:

_____

_____
LAMAR GABLE

_____

_____

_____
HAROLD S. LYNTON

_____

_____

_____
MARGUERITE R. COLLIER

_____

as Trustees for Marguerite R. Collier under the Will of Barron Collier, Jr., deceased (probated in the Circuit Court for the Twentieth Judicial Circuit, Collier County, Florida, Probate Division No. 76-33)

Hawk Mountain Sanctuary Association

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STANLEY E. SENNER

Curator
JAMES J. BRETT

18 September 1985

Honorable John Chafee
Chairman
Subcommittee on Environmental
Pollution
408 Hart SOB
Washington, DC 20510

Dear Mr. Chairman:

This letter concerns S. 585, a bill to establish the Eastern Shore of Virginia National Wildlife Refuge and the National Fish and Wildlife Service Training Center at Cape Charles, Virginia. We support this legislation and we commend you for taking it up so expeditiously. Please include this letter in the hearing record on S. 585.

The southern tip of the Delmarva Peninsula has long been known as an area of importance to migrant birds, particularly in the autumn. Our organization is especially concerned about the conservation of birds of prey, and in recent years counts of migrating birds of prey by members of the Hawk Migration Association of North America (HMANA) have established just how important this site is. Counts at the Kiptopeke hawk-watching site (near to the proposed refuge) have revealed fall flights of raptors, especially sharp-shinned hawks, on the order of 15,000 birds, making this site one of the major areas of concentration on the Atlantic coast.

This is of considerable importance as such organizations as Hawk Mountain and HMANA move to establish a network of cooperating hawkwatching sites at which trends in raptor populations can be monitored. It is also important because the high visibility of migrating raptors makes them excellent subjects to introduce large numbers of people to the natural history and conservation of migratory birds.

A key parcel of land within the proposed refuge is owned by the Chesapeake Bay Bridge Tunnel Authority. It is our understanding that in the face of possible commercial development of this parcel, The Nature Conservancy has negotiated the acquisition of this property. We understand that it is likely that the Fiscal Year 1986 Interior appropriations bill, if authorized to do so, would appropriate funds for the Fish and Wildlife Service to acquire the property from the Conservancy.

In view of the probable action by the Committee on Appropriations, we are delighted that the Subcommittee is considering S. 585 to authorize acquisition of the property and to create a National Fish and Wildlife Service Training Center. The land owned by the Bay Bridge Authority, in combination with the surplus Air Force Station property and buildings already transferred to the Service, will make a superb and vital addition to the National Wildlife Refuge System.

Thank you again for your leadership in this matter.

Sincerely,

Stanley E. Senner
Executive Director

99TH CONGRESS
1ST SESSION

S. 585

To establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles, Virginia

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IN THE SENATE OF THE UNITED STATES

MARCH 5 (legislative day, FEBRUARY 18), 1985

Mr. TRIBLE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To establish the Eastern Shore of Virginia National Wildlife Refuge and National Fish and Wildlife Service Training Center at Cape Charles, Virginia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSES

SECTION 1. (a) FINDINGS.—The Congress finds that—

(1) Cape Charles, at the southern tip of the Eastern Shore of Virginia, is a critical staging area for migratory birds within the Atlantic flyway, particularly juvenile songbirds and raptors in their crucial first flight south;

(2) nationally endangered and threatened species, such as the peregrine falcon and bald eagle, as well as other species identified by both the State and Federal government to be of concern, depend on the habitat of Cape Charles;

(3) large numbers of migratory upland game birds are found at Cape Charles, including the woodcock, a species which has been in decline due to loss of habitat;

(4) the unique undeveloped coastal wetlands of this area also provide resting and feeding habitat for many species of waterfowl, including American black ducks, greater snow geese, and Atlantic brant, during migration; and

(5) the facilities of the former Cape Charles Air Station provide a unique opportunity to combine habitat conservation with environmental education, training, and research.

(b) PURPOSES.—The purposes for which the Eastern Shore of Virginia National Wildlife Refuge is established are—

(1) to conserve, manage and enhance the habitat of the refuge for use by endangered and threatened species, migratory birds, and other species of fish and wildlife;

(2) to encourage a natural diversity of habitat and associated fish and wildlife species within the refuge;

(3) to fulfill the international treaty obligations of the United States relating to fish and wildlife;

(4) to provide fish and wildlife-oriented recreation and education and to assist and coordinate with the County of Northampton, and the Commonwealth of Virginia in meeting the recreational needs of the Cape Charles area, as identified by the County and the Commonwealth, as long as those needs are compatible with the goals of the Refuge; and

(5) to provide opportunity for environmental education, research, and training for the United States Fish and Wildlife Service, other Federal and State agencies, educational institutions, and private individuals and organizations.

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "refuge" means the Eastern Shore of Virginia National Wildlife Refuge, comprised of those lands and waters, and interests therein, in Northampton County, Virginia, that are depicted on the map entitled "Cape Charles National Wildlife Refuge", dated September 1984, and on file at the United States Fish and Wildlife Service; and

(2) "Secretary" means the Secretary of the Interior.

ESTABLISHMENT OF THE REFUGE

SEC. 3. (a) ACQUISITION.—In addition to such lands and waters, and interests therein, referred to in section 2(1) as the Secretary may acquire pursuant to the Act of May 19, 1948 (16 U.S.C. 667b), the Secretary may acquire lands and waters, and interests therein, referred to in such section, through donation, purchase with donated or appropriated funds, exchange, or through any combination thereof.

(b) ESTABLISHMENT.—At such time as sufficient lands and waters, and interests therein, have been acquired by the Secretary to constitute an area that can be effectively administered as a National Wildlife Refuge, the Secretary shall establish the Eastern Shore of Virginia National Wildlife Refuge by publication of notice to that effect in the Federal Register.

(c) ADJUSTMENTS.—The Secretary may make such minor adjustments with respect to the boundary of the refuge as may be necessary to facilitate the acquisition of lands and waters, and interests therein, for the refuge and to facilitate the administration of the refuge.

ADMINISTRATION

SEC. 4. (a) IN GENERAL.—The Secretary shall administer all lands and waters and interests therein, acquired for the purposes of this Act, in accordance with the provisions of

the National Wildlife Refuge System Administration Act of 1966 (17 U.S.C. 668dd–668ee).

(b) SPECIAL PROVISIONS.—(1) The Secretary shall establish training facilities on the refuge for use by the United States Fish and Wildlife Service, other Federal and State agencies, educational institutions, and private organizations and individuals; and is authorized to lease facilities for environmental research and education; and to provide opportunities for environmental education.

(2) In carrying out the provisions of paragraph (1), the Secretary is authorized to collect reasonable fees which shall be covered into a special account established in the Treasury of the United States and available to the Secretary without further appropriation, until expended, to assist in defraying the costs of providing such opportunities for training, research, and environmental education.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated to the Department of the Interior, beginning October 1, 1985, such sums as may be necessary to carry out this Act, to remain available until expended.

99TH CONGRESS
1ST SESSION

S. 893

To create the Florida Panther National Wildlife Refuge in the State of Florida.

IN THE SENATE OF THE UNITED STATES

APRIL 4 (legislative day, APRIL 18), 1985

Mrs. HAWKINS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To create the Florida Panther National Wildlife Refuge in the State of Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect the habitat and enhance the preservation and recovery of the endangered Florida panther, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish the Florida Panther National Wildlife Refuge in the State of Florida. The refuge shall contain certain lands north of State Route 84 and Fakahatchee Strand State Preserve, and to the east and west of State Route 29, in Florida, comprising approximately thirty-two thousand acres as depicted on a map entitled "Florida

Panther National Wildlife Refuge", dated April 2, 1985, and available for inspection in the office of the Secretary.

SEC. 2. Within the boundry of the refuge, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. When the Secretary determines that lands, waters and interests therein have been acquired sufficient to constitute an efficiently administrable unit for the purposes of this Act, he shall establish the refuge by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer all lands, waters, and interests therein acquired under this Act in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee), and may utilize such additional statutory authority as may be available to him for the conservation and development of the wildlife resources in general, and the Florida panther population in particular, within the refuge.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Calendar No. 203

99TH CONGRESS
1ST SESSION

S. 1354

Relating to the authorization of appropriations for certain components of the National Wildlife Refuge System.

IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 3), 1985

Mr. CHAFEE, from the Committee on Environment and Public Works, reported the following original bill, which was read twice and placed on the calendar

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A BILL

Relating to the authorization of appropriations for certain components of the National Wildlife Refuge System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BON SECOUR NATIONAL WILDLIFE REFUGE.

Section 5(1) of the Act entitled "An Act to establish the Bon Secour National Wildlife Refuge", approved June 9, 1980 (Public Law 96–267, 94 Stat. 484) is amended to read as follows:

"(1) $15,300,000 for the period beginning October 1, 1985, for the acquisition of the refuge; and".

SEC. 2. TENSAS RIVER NATIONAL WILDLIFE REFUGE.

Section 5 of the Act entitled "An Act to establish the Tensas River National Wildlife Refuge", approved June 28, 1980 (Public Law 96–285, 94 Stat. 597) is amended to read as follows:

"SEC. 5. For purposes of carrying out this Act, there are authorized to be appropriated—

"(1) beginning October 1, 1985, not to exceed $10,000,000 to the Department of the Interior; and

"(2) beginning October 1, 1980, not to exceed $40,000,000 to the Department of the Army.

These sums are to remain available until expended.".

SEC. 3. BOGUE CHITTO NATIONAL WILDLIFE REFUGE.

Section 5 of the Act entitled "An Act to establish the Bogue Chitto National Wildlife Refuge", approved June 28, 1980 (Public Law 96–288, 94 Stat. 604) is amended—

(1) by striking out "beginning October 1, 1980";

(2) by amending subsection (a) to read as follows:

"(a) beginning October 1, 1985, $10,000,000 for the acquisition of lands and interests therein, to remain available until expended; and"; and

(3) by amending subsection (b) to read as follows:

"(b) $1,000,000 for construction of the refuge headquarters and boat launching facilities and the accomplishment of boundary surveys, to remain available until expended.".

SEC. 4. TINICUM NATIONAL ENVIRONMENTAL CENTER.

Section 1 of the Act entitled "An Act to provide for additional authorization of appropriations for the Tinicum National Environmental Center", approved July 25, 1980 (Public Law 96–315, 94 Stat. 957) is amended by striking out "September 30, 1985" and inserting in lieu thereof "expended".

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